

**Opening Statement of
Chairman Dan Lungren**

Before the
Subcommittee on Cybersecurity, Infrastructure
Protection and Security Technology

Hearing on
**“Preventing Chemical Terrorism: Building a
Foundation of Security at our Nation’s Chemical
Facilities”**

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February 11, 2011

I want to welcome our witnesses today to our first Subcommittee hearing under the new Republican Majority. I also want to thank the Ranking Member Ms Clarke, for the bi-partisan working relationship we enjoyed in the 111th Congress and I will continue that bi-partisan spirit in the 112th Congress. I'm very happy to welcome my new Republican colleagues (Mr. McCaul is now a veteran) to our Subcommittee, Mr. Walberg, Mr. Meehan, Mr. Long and Mr. Marino. Our Subcommittee will be examining many critical issues in this Congress from physical and cyber threats to our critical infrastructure, to rad/nuc/bio threats to our cities. We will be aggressive in our oversight of the Department and its many security programs, especially those that provide "no substantial security improvement" for the amount of taxpayer dollars spent.

One of those critical issues in our jurisdiction is chemical security. Chemicals underpin our way of

life and our 21st Century economy by employing over 800,000 workers who produce 19% of the world's chemical products. Because of this critical economic role of the chemical industry and the danger of these chemicals for facility workers and surrounding populations due to the terrorist threat, securing chemical facilities is a top priority for our Committee.

My interest in this issue dates back to the last time I was Chairman of this Subcommittee and I introduced the Chemical Security Anti-Terrorism Act of 2006. At that time, the chemical industry was operating under a voluntary security regime which left many security gaps because of non-participating facilities. In order to address those security gaps, I introduced my bill which would have established a risk-based performance approach targeting high risk chemical facilities. While the bill was never considered by the House, it provided the model used by the Administration and House

Appropriators to craft a compromise national risk-based security plan for all high risk chemical facilities (Sec. 550 of the Homeland Security Appropriations Act of 2007) in the closing weeks of the 109th Congress.

The authority to regulate chemical facility security is historic and critically important. Dangerous chemicals, listed in Appendix A as chemicals of interest (COI) when stored or processed above threshold quantities, pose serious threats to facility workers and neighboring populations. They are also attractive terrorist targets. We need to bolster security at chemical facilities and the best way to do that is to allow the CFATS (Chemical Facility Anti-Terrorism) Program to be fully implemented before any significant program changes are enacted.

The best way to strengthen the foundation of security that CFATS is building at our Nation's chemical facilities is to provide a "long term extension of the CFATS authority". This will provide

our chemical facility partners, who are spending millions of dollars implementing new security measures, with the assurance that the rules and requirements won't change from year to year as the CFATS program is implemented. This will also provide the Department with the certainty that Congress believes chemical security will be a priority for years to come as they continue to implement, evolve, and invest in the CFATS program.

Another controversial issue that has emerged during chemical security debates centers on the understanding of "inherently safer technology" or IST. I don't support mandating single solution security approaches. IST isn't something you can buy off the shelf or simply plug in. It is a concept, a not very well understood concept at that. It is a very complex process or series of procedures that should not be mandated, according to the testimony of our three non-governmental witnesses today. There is

no single definition of what IST “is” – because it differs so greatly from chemical to chemical, and from facility to facility.

I support risk-based security solutions that reduce identified vulnerabilities and would oppose mandating specific security measures. Requiring a specific type of security measure goes against the very principles of a risk-informed, performance-based approach. CFATS is building a strong chemical security foundation by enabling multiple risk-based solutions and flexibility for facilities to select the security approaches that best fit their unique security needs while still meeting the risk-based performance standards established by DHS.

The original bi-partisan Congressional goal of these regulations was to strike the right balance between improving security at our high risk chemical facilities while preserving the economic vitality of this critical sector. While CFATS still has a long way to go, I believe that the CFATS authority enabling the

regulatory structure in use today, is providing our Nation the best opportunity to meet that Congressional goal.

I want to thank our witnesses for appearing today and I look forward to hearing your testimony.